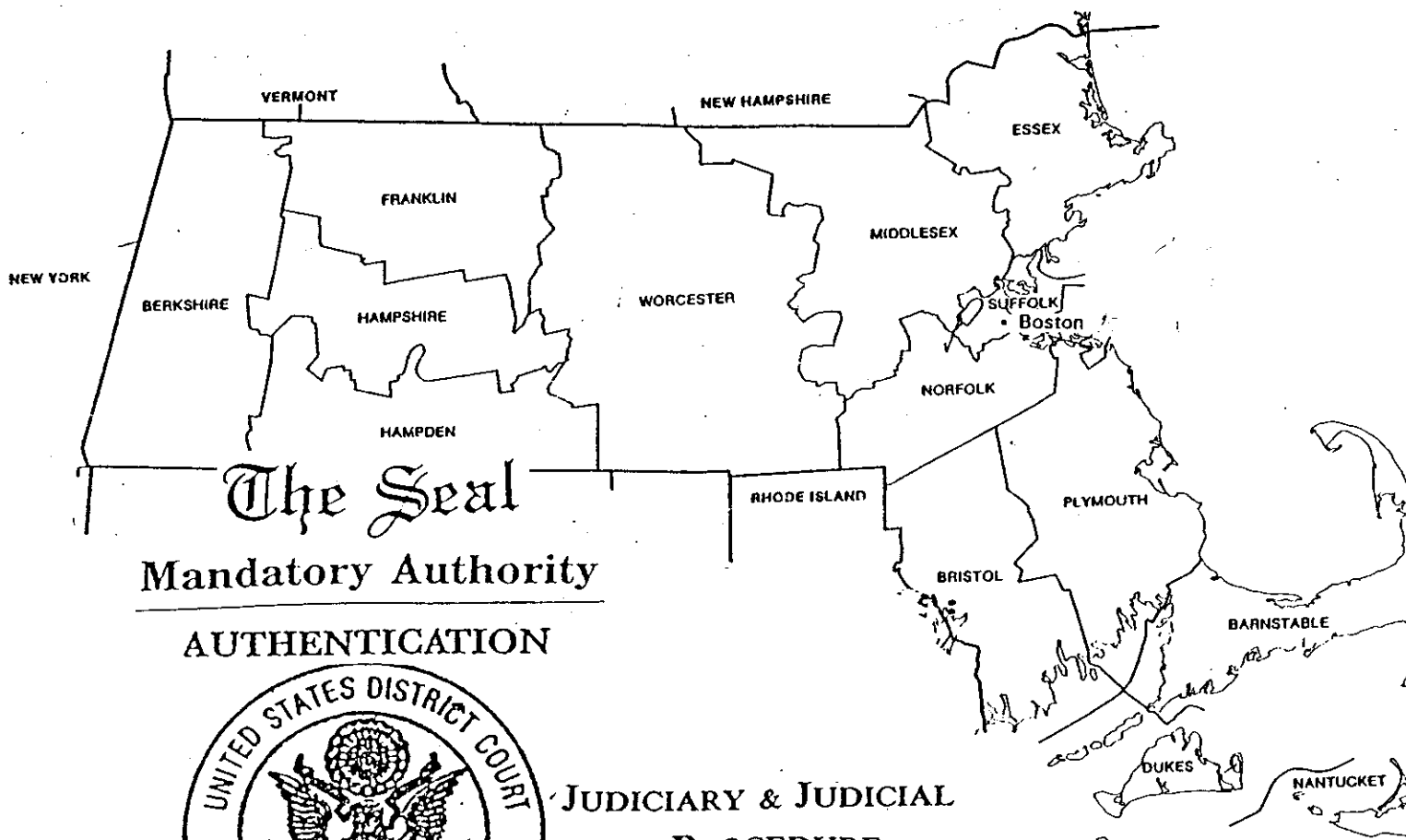
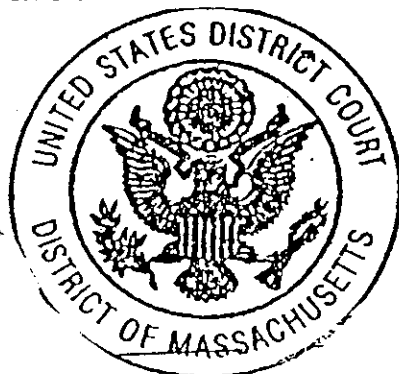


IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS



The Seal
Mandatory Authority

AUTHENTICATION



JUDICIARY & JUDICIAL
PROCEDURE
ORGANIZATION OF COURTS

28 USCS § 101

§ 101. Massachusetts

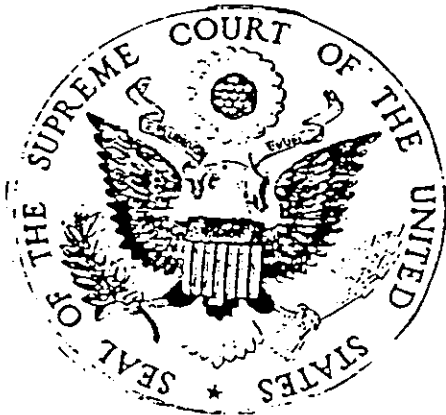
Massachusetts constitutes one judicial district.

Court shall be held at Boston, New Bedford, Springfield, and Worcester.
(June 25, 1948, ch 646, § 1, 62 Stat. 882.)

RELATED MATTERS

AUTHENTICATION

The Seal



28 USCS

§ 608. Seal

The Director shall use a seal approved by the Supreme Court. Judicial notice shall be taken of such seal.
(June 25, 1948, ch 646, § 1, 62 Stat. 915.)



Authentication.
Proof of Official Record

THE
SEAL

Authenticated by the seal of the court

The writ should bear the seal of the court authorized to issue it, and a writ bearing an improper seal is regarded as though it bore no seal.

Courts hold that an omission of the seal renders the writ void and ineffective to confer jurisdiction.

(a-gm)

28 USCS

§ 1691. Seal and teste of process

All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.

1 USCS § 114. AUTHENTICATION.

§ 114. Sealing of instruments

In all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary; which shall be as valid as if made on wax or other adhesive substance.

(July 30, 1947, ch 388, § 1, 61 Stat. 636.)

CROSS REFERENCES

Proof of official records, Rule 44, Federal Rules of Civil Procedure, USCS Court Rules.

RULES OF CIVIL PROCEDURE

Rule 44. Proof of Official Record

(a) Authentication.

(1) **Domestic.** An official record kept within the United States, or any state, district, or commonwealth, or within a territory subject to the administrative or judicial jurisdiction of the United States, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by the officer's deputy, and accompanied by a certificate that such officer has the custody. The certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of the officer's office.

28 USCS

CHAPTER 57. GENERAL PROVISIONS APPLICABLE TO COURT OFFICERS AND EMPLOYEES

28 USCS § 951

COURT OFFICERS AND EMPLOYEES

§ 951. Oath of office of clerks and deputies

Each clerk of court and his deputies shall take the following oath or affirmation before entering upon their duties: "I, _____, having been appointed _____, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments and proceedings of such court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God."

(June 25, 1948, ch 646, § 1, 62 Stat. 925.)

§ 955. Practice of law restricted

The clerk of each court and his deputies and assistants shall not practice law in any court of the United States.

(June 25, 1948, ch 646, § 1, 62 Stat. 926.)

§ 956. Powers and duties of clerks and deputies

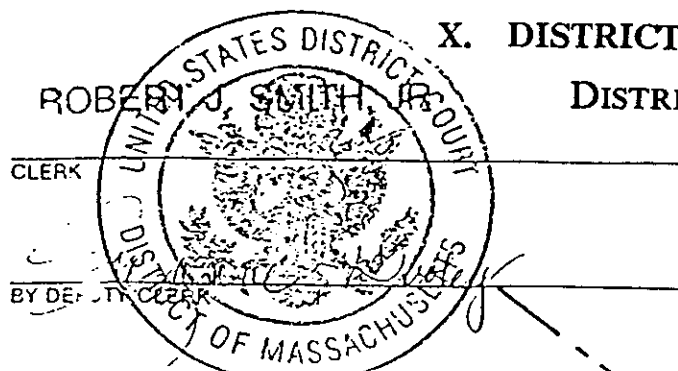
The clerk of each court and his deputies and assistants shall exercise the powers and perform the duties assigned to them by the court.

(June 25, 1948, ch 646, § 1, 62 Stat. 926.)

CHAPTER 113. PROCESS

X. DISTRICT COURTS AND CLERKS

DISTRICT COURTS; CLERKS



28 USCS §

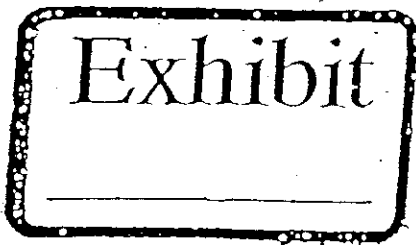
§ 1691. Seal and teste of process

All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.

(June 25, 1948, ch 646, § 1, 62 Stat. 945.)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE
SEP 28 12 47 PM '00



00-11994REK
C.A. No.

THOMAS M. HODGSON ET AL.
Defendants.



NOTICE OF REMOVAL

In accordance with 28 U.S.C. § 1441(a), defendants Sheriff Thomas Hodgson and the Bristol County Commissioners (collectively, "Bristol County Defendants") hereby give notice of the removal to this Court of *on, et al.*, C.A. No. 00-2577, which was filed in Superior Court for Suffolk County, and served by mail on certain of the defendants on August 29 and 31, 2000. Copies of the Superior Court summons, complaint and pleadings served upon the Bristol County Defendants are attached hereto as Exhibit A.

In support of this notice, defendant states as follows:

I. This is an action by plaintiff, Bristol County Commissioners, the Bristol County Sheriff, and others employed at the Bristol County Jail or House of Corrections. Plaintiff seeks compensatory and punitive damages against defendants for alleged injuries. Plaintiff's complaint purports to state claims pursuant to 42 U.S.C. § 1983 and the Eighth Amendment of the United States Constitution.

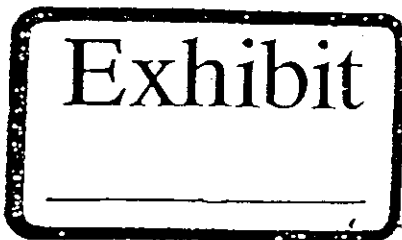
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In Re GRAND JURY
PROCEEDINGS
503 F.SUPP. 9 (1980)

~~_____~~
Petitioner
v.
JOHN MARSHALL, SUPERINTENDENT
N.C.C.I. - GARDNER,
Respondent.

CIVIL ACTION NO.:
96-10212-EFH

United States District Court
D. New Jersey.
April 25, 1980.



(EMPHASIS
ADDED)

ORDER

February 9, 1996

HARRINGTON, D.J.

The All Writs Act, 28 U.S.C. § 1651 au-
thorizes federal courts to issue all writs
necessary or appropriate in aid of their re-
spective jurisdictions and agreeable to the
usages and principles of law. And 28
U.S.C. § 1691 directs that:

"All writs and process issuing from a
court of the United States shall be under
the seal of the court and signed by the
clerk thereof."

"Order of a court" may be oral, may be
a paper bearing the word "order" and
signed by a judge or other judicial officer
or may be a subpoena, writ of execution or
other process. PAGE 10

The Court orders the Petitioner's Petition for Writ of Habeas Corpus Seeking
Adjudication on the Merits Opposing [S]tate Procedural Maze on Comity Being [Futile]
dismissed in accordance with the Order of this Court dated November 29, 1995 in the
case of Turner v. John Marshall, Jr., et al., Civil Action No. 95-1254

SO ORDERED.

(EMPHASIS ADDED)

AUTHENTICATION

§ 1691. Seal and teste of process

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS
1995

ROBERT J. SMITH

CLERK

BY DEPUTY CLERK

EDWARD F. HARRINGTON
United States District Judge



JUDGE EDWARD F. HARRINGTON

MAY 91 15:29 FROM US MARSHAL BOSTON MA

PAGE.002

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OFFICE OF
U.S. MARSHAL
MAY 23 12 00 PM '91
DIST. OF MASS

TO THE MARSHAL FOR THE DISTRICT OF MASSACHUSETTS, or any of
his deputies, and to: Superintendant, MCI Cedar Junction

YOU ARE COMMANDED to have the body of [REDACTED]
now in your custody, before the United States District Court
for the District of Massachusetts, United States Post Office
and Courthouse Building, Courtroom Number 3, Boston
Massachusetts on May 1991, at 2:00 P.M.
for the purpose of [REDACTED]
in the case of UNITED STATES OF AMERICA V. [REDACTED]
CR Number [REDACTED]

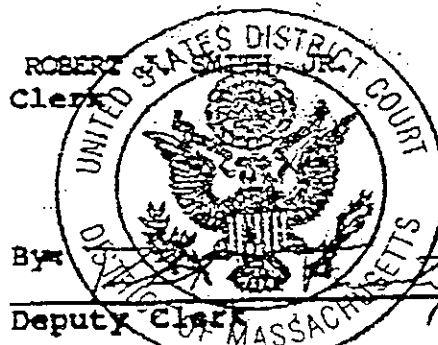
And you are to retain the body of said [REDACTED]
while before said Court upon said day and upon such other days
thereafter as his attendance before said Court shall be necessary,
and as soon as may be thereafter to return said [REDACTED]
to the institution from which he was taken, under safe and
secure conduct, to be there imprisoned as if he had not been
brought therefrom for the purpose aforesaid. And have you then
and there this Writ with your doings herein.

Dated at Boston, this 23rd

day of May, 1991

EXHIBIT

#7



Neil Grace 19

Exhibit

United States District Court

DISTRICT OF MASSACHUSETTS

ABDUL JALEEL MAHDI

JUDGMENT IN A CIVIL CASE

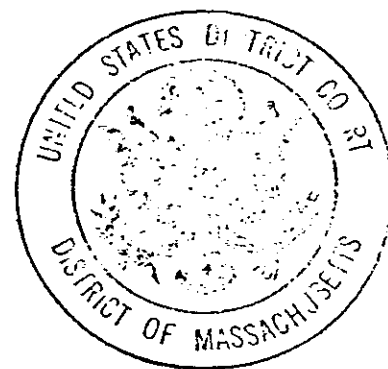
v.

MICHAEL T. MALONEY, et al

CASE NUMBER: 88-0564-S

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED pursuant to the Court's Memorandum and Order.... dated October 29, 1990, that the complaint in the above entitled case is hereby DISMISSED.



October 31, 1990

Date

Robert J. Smith, Jr.

Clerk

Philip Lyons

(By) Deputy Clerk

AO 450 (Rev. 5/85) Judgment in a Civil Case ®

Exhibit

United States District Court

DISTRICT OF MASSACHUSETTS

JOSE CARRERA

JUDGMENT IN A CIVIL CASE

V.

MICHAEL V. FAIR ET AL

CASE NUMBER: CA 87-0741-H

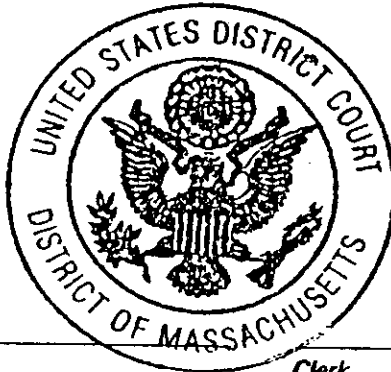
- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

PURSUANT TO COURT'S ALLOWANCE OF DEFENDANTS' MOTION TO DISMISS ON JUNE 16, 1992,

JUDGMENT ENTERED FOR DEFENDANTS MICHAEL V. FAIR ET

SO ORDERED.



JUNE 18, 1992

Date

ROBERT J. SMITH, JR.

Clerk

(By) Deputy Clerk

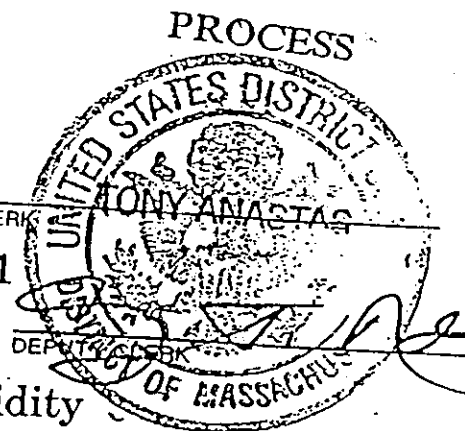
IN THE
SUPREME COURT OF THE UNITED STATES

SEALS

Research References CLERK

68 Am Jur 2d, Seals §§ 1-1

ALR Digests: Seal, §§ 1-4



Wax is not necessary to the validity of a seal. It is the seal which authenticates, and not the substance on which it is impressed; and where the court can recognize its identity, it should not be called upon to analyze the material which exhibits it. Pillow v Roberts, 13 How 472,

14 L Ed 228

In the absence of positive law prescribing otherwise, a seal imposed directly on paper in such a manner as to be readily identified upon inspection is sufficient without wax. Pierce v Indseth, 106 US 546, 1 S Ct 418,

27 L Ed 254

PROCESS

28 USCS *The Seal of the Court*

§ 1691. Seal and teste of process

All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.

CHAPTER 57. GENERAL PROVISIONS APPLICABLE TO COURT OFFICERS AND EMPLOYEES

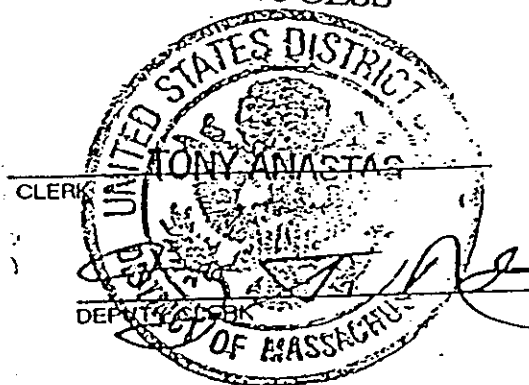
28 USCS § 951 Oath of office of clerks and deputies



DISTRICT COURTS; CLERKS

Judicial
Authentication
only by
The Seal
of the
Court

PROCESS



28 USCS

§ 1691. Seal and teste of process

All writs and process issuing from
a court of the United States
shall be

under the seal of the court and
signed by the clerk thereof.

WALTER v. WEST VIRGINIA BD. OF EDUC.

Cite as 610 F.Supp. 1169 (D.C.W.Va. 1985)

1. Courts ⇐96(3)

District court is duty bound to follow
precedent established by Supreme Court.

IN THE
SUPREME COURT OF THE UNITED STATES

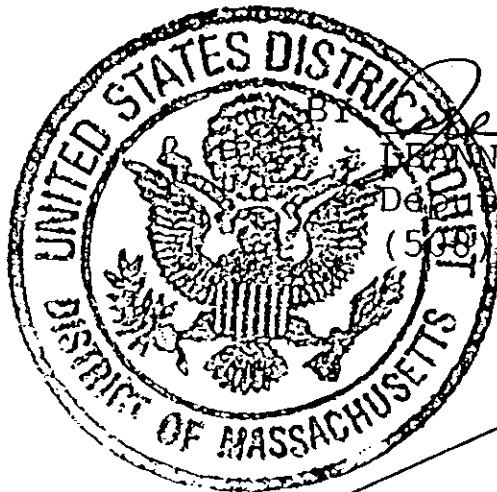
SEALS

Aetna Ins. Co. v Doe ex dem. Hallock (Aetna
Ins. Co. v Hallock) 6 Wall 556, 18 L Ed 948

Any process issuing from a court which by
law is required to authenticate such process
with its seal is void if issued without a seal.

d this 7th day of February, 2000.

CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE



FRANK T. OUELLETTE
Deputy Clerk
(508) 793-0126

SINE QUA NON:
(INDISPENSABLE)
TO ESTABLISH
VALIDITY TO ALL
JUDICIAL PROCESS.

28 USCS

1691. Seal and teste of process

All writs and process issuing from a court of the United States shall be
under the seal of the court and signed by the clerk thereof.

COURT CLERKS PROCEDURE

SEALS



AUTHENTICATION

U.S. SUPREME COURT REPORTS
KOKKONEN v GUARDIAN LIFE INS. CO.

(1994) 511 US 375, 128 L Ed 2d 391, 114 S Ct 1673

[511 US 378]

[2-4] Federal courts are 'courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree,

"The point is straightforward: the Due Process clause provides that certain substantive rights—life, liberty, and property—cannot be deprived except pursuant to constitutionally adequate procedures." *Id.* at 541, 105 S.Ct. at 1493.

PROCESS

Any process issuing from a court which by law is required to authenticate such process with its seal is void if issued without a seal. *Aetna Ins. Co. v Doe ex dem. Hallock* (*Aetna Ins. Co. v Hallock*) 6 Wall 556,

18 L Ed 948

SUPREME COURT OF THE UNITED STATES

HABEAS CORPUS

LAWS a jm

LLOYD MULLICAN et al., Apppts.,

v

UNITED STATES OF AMERICA

United States Court of Appeals, Fifth Circuit — February 26, 1958
252 F2d 398, 70 ALR2d 1217

SUMMARY

In an opinion by Jones, Circuit Judge, the decision was rested on the grounds that before a defendant may be convicted of unlawfully escaping, there must be proof of confinement pursuant to a conviction, and that the only such proof in the present case were documents which were not admissible in evidence because not properly authenticated in compliance with Rule 44(a) of the Federal Rules of Civil Procedure, made applicable to criminal proceedings by Rule 27 of the Federal Rules of Criminal Procedure.

AUTHENTICATION

Seal and signature

—Commitment warrant

Warrant of commitment not bearing court seal is defective. Ex parte Sprout (1807, CC Dist Col) Fed Case No. 13267.

AUTHENTICATION

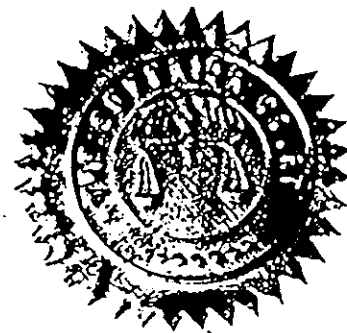


The Seal

Mandatory Authority

CONSTITUTION

OF MASSACHUSETTS



AUTHENTICATION
OF THE UNITED STATES DISTRICT COURT

FOR THE

PROCESS

DISTRICT OF MASSACHUSETTS

28 USCS
§ 1691. Seal and teste of process

All writs and process issuing from
a court of the United States
shall be

under the seal of the court and
signed by the clerk thereof.

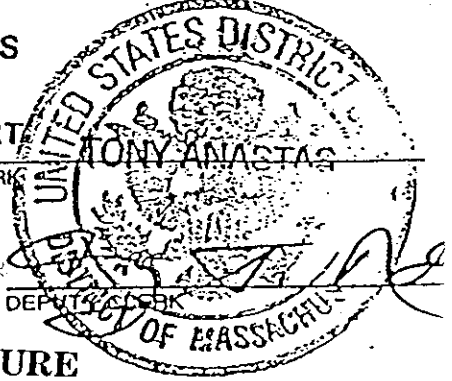
UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS
1 COURTHOUSE WAY, SUITE 2300
BOSTON, MASSACHUSETTS 02210
(617) 748-9152

CLERK

SEAL

RULES OF CIVIL PROCEDURE



Rule 44. Proof of Official Record

(a) Authentication.

[EXHIBIT]

Authentic /əθéntik/. Genuine; true; real; pure; reliable; trustworthy; having the character and authority of an original; duly vested with all necessary formalities and legally attested. Competent, credible, and reliable as evidence.

Authentic act. In the civil law, an act which has been executed before a notary or public officer authorized to execute such functions, or which is testified by a public seal, or has been rendered public by the authority of a competent magistrate, or which is certified as being a copy of a public register.

Authentic copy. A copy which is of such authority as to prove the form and contents of the original from which it is taken. *See also* Authentication.

Authentication /əθèntəkéyshən/. In the law of evidence, the act or mode of giving authority or legal authenticity to a statute, record, or other written instrument, or a certified copy thereof, so as to render it legally admissible in evidence. Verifications of judgments. An attestation made by a proper officer by which he certifies that a record is in due form of law, and that the person who certifies it is the officer appointed so to do. Acts done with a view of causing an instrument to be known and identified. *See also* Verification.

GENERAL LAWS OF MASSACHUSETTS

PROOF OF STATUTES, LAWS, ETC.

§ 69. Records of courts of other states or United States

The records and judicial proceedings of a court of another state or of the United States shall be admissible in evidence in this commonwealth, if authenticated by the attestation of the clerk or other officer who has charge of the records of such court under its seal.

"Void process," for purposes of action for false arrest or imprisonment, is defined as that which court has no power to award, or has not acquired jurisdiction to issue in particular case, or which does not in some material respect comply in form with legal requisites of such process, or which loses its vitality in consequence of noncompliance with condition subsequent, obedience to which is rendered essential.